

A bill for an act

relating to health care; modifying special transportation services; creating special appeal rights for services recipients; requiring counties to conduct level of need determinations; prohibiting the use of a broker; appropriating money; amending Minnesota Statutes 2008, sections 256.045, by adding a subdivision; 256B.04, subdivision 14a; 256B.0625, subdivisions 17, 18, by adding a subdivision.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 2008, section 256.045, is amended by adding a subdivision to read:

Subd. 3d. **Special requirements regarding medical assistance nonemergency transportation services.** Notwithstanding the provisions of Minnesota Rules, parts 9505.0125, subpart 1, and 9505.0130, subpart 2, a recipient of medical assistance nonemergency medical transportation services under section 256B.0625, subdivision 17 or 18, shall be given a written notice of a denial, reduction, termination, or suspension of those services no later than 30 days before the effective date of the action, and a local agency shall not reduce, suspend, or terminate eligibility for those services when a recipient appeals within 30 days of the agency's mailing of the notice, unless the recipient requests in writing not to receive continued medical assistance nonemergency medical transportation services while the appeal is pending.

Sec. 2. Minnesota Statutes 2008, section 256B.04, subdivision 14a, is amended to read:

Subd. 14a. Level of need determination. Nonemergency medical transportation level of need determinations must be performed by a physician, a registered nurse working under direct supervision of a physician, a physician's assistant, a nurse practitioner, a licensed practical nurse, ~~or~~ a discharge planner, or the county at the time of initial

medical assistance application and reviewed at each redetermination of eligibility. The
determination shall be based on a question format and scoring methodology developed by
the commissioner, in consultation with providers. Nonemergency medical transportation
level of need determinations must not be performed more than semiannually on any
individual, ~~unless the individual's circumstances have sufficiently changed so as to require~~
~~a new level of need determination.~~ Individuals residing in licensed nursing facilities are
exempt from a level of need determination and are eligible for special transportation
services until the individual no longer resides in a licensed nursing facility. If a person
authorized by this subdivision to perform a level of need determination determines that an
individual requires stretcher transportation, the individual is presumed to maintain that
level of need until otherwise determined by a person authorized to perform a level of need
determination, or for six months, whichever is sooner.

Sec. 3. Minnesota Statutes 2008, section 256B.0625, subdivision 17, is amended to
read:

Subd. 17. **Transportation costs.** (a) Medical assistance covers transportation costs
incurred solely for obtaining emergency medical care or transportation costs incurred
by eligible persons in obtaining emergency or nonemergency medical care when paid
directly to an ambulance company, common carrier, or other recognized providers of
transportation services.

(b) Medical assistance covers special transportation, as defined in Minnesota Rules,
part 9505.0315, subpart 1, item F, if the recipient has a physical or mental impairment that
would prohibit the recipient from safely accessing and using a bus, taxi, other commercial
transportation, or private automobile.

The commissioner may use an order by the recipient's attending physician to certify that
the recipient requires special transportation services. Special transportation includes
driver-assisted service to eligible individuals. Driver-assisted service includes passenger
pickup at and return to the individual's residence or place of business, assistance with
admittance of the individual to the medical facility, and assistance in passenger securement
or in securing of wheelchairs or stretchers in the vehicle. Special transportation providers
must obtain written documentation from the health care service provider who is serving
the recipient being transported, identifying the time that the recipient arrived. Special
transportation providers may not bill for separate base rates for the continuation of a trip
beyond the original destination. Special transportation providers must take recipients
to the nearest appropriate health care provider, using the ~~most direct~~ quickest route
~~available~~ as determined by a commercially available software program approved by

the commissioner. The maximum medical assistance reimbursement rates for special transportation services are:

(1) \$17 for the base rate and \$1.35 per mile for services to eligible persons who need a wheelchair-accessible van;

(2) \$11.50 for the base rate and \$1.30 per mile for services to eligible persons who do not need a wheelchair-accessible van; and

(3) \$60 for the base rate and \$2.40 per mile, and an attendant rate of \$9 per trip, for services to eligible persons who need a stretcher-accessible vehicle.

Sec. 4. Minnesota Statutes 2008, section 256B.0625, is amended by adding a subdivision to read:

Subd. 17b. **Broker dispatching prohibition.** The commissioner shall not use a broker or coordinator for any purpose related to nonemergency medical transportation services including, but not limited to, managing or dispatching transportation services, verifying recipient eligibility, authorizing recipients for the appropriate level of transportation, and monitoring provider compliance with subdivision 17.

Sec. 5. Minnesota Statutes 2008, section 256B.0625, subdivision 18, is amended to read:

Subd. 18. ~~Bus or taxicab~~ **Access transportation.** To the extent authorized by rule of the state agency, medical assistance covers costs of the most appropriate and cost-effective form of transportation incurred by any ambulatory eligible person for obtaining nonemergency medical care, including gasoline reimbursement, volunteer drivers, bus tokens, or common carrier transportation. The minimum medical assistance reimbursement rates for access transportation services provided by common carrier or for-hire vehicles are:

(1) \$13 for the base rate and \$1.45 per mile for each mile or portion thereof that is in excess of five miles for services to eligible persons who need a wheelchair-accessible van; and

(2) \$10 for the base rate and \$1.45 per mile for each mile or portion thereof that is in excess of five miles for services to eligible persons who do not need a wheelchair-accessible van.

Sec. 6. **APPROPRIATIONS.**

\$..... is appropriated from the general fund to the commissioner of human services for the biennium beginning July 1, 2009, for grants to counties to offset the administrative

S.F. No. 723, 1st Engrossment - 86th Legislative Session (2009-2010) [s0723-1]

4.1 costs of making level of need determinations. Counties shall receive a per capita payment
4.2 of \$....., with a minimum county payment of \$..... The commissioner may reduce per
4.3 capita payments a pro rata amount in order to make minimum per-county payments. The
4.4 commissioner shall structure grants to counties in order to maximize federal financial
4.5 participation.

4.6 **EFFECTIVE DATE.** This section is effective July 1, 2009.